

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No.: 1:06 CR 184-11
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
HECTOR NIEVES,)	<u>ORDER ACCEPTING PLEA</u>
)	<u>AGREEMENT, JUDGMENT AND</u>
)	<u>REFERRAL TO U. S. PROBATION</u>
Defendant)	<u>OFFICE</u>

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge David S. Perelman, regarding the change of plea hearing of Hector Nieves which was referred to the Magistrate Judge with the consent of the parties.

On April 12, 2006, the government filed a four-count indictment against Defendant Hector Nieves, for conspiracy to distribute cocaine, crack cocaine and marijuana, as defined in Title 21, United States Code, Section 841(a)(1), (b)(1)(A) & 846 and use of a communication facility to facilitate a drug trafficking offense, as defined in Title 21, United States Code, Section 843(b).

On April 28, 2006, a hearing was held in which Defendant Nieves, entered a plea of not guilty before Magistrate Judge McHargh. On July 17, 2006, Magistrate Judge David S.

Perelman received Defendant Nieves's plea of guilty to count , and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered. Magistrate Judge Perelman filed his R&R on July 17, 2006.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Nieves is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Nieves is adjudged guilty of Count One in violation of Title 21 Section 841(a)(1), (b)(1)(A) and 846. This matter is referred to the U. S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will be on October 3, 2006, at 2:00 p.m. in Courtroom 17-A.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE